

# United States Court of Appeals

Eleventh Circuit

56 Forsyth Street, N.W.  
Atlanta, Georgia 30303

Thomas K. Kahn  
Clerk

In Replying Give Number  
Of Case and Names of Parties

April 16, 2004

**VIA FACSIMILE**

TO ALL COUNSEL OF RECORD

Re: 02-16424 - Peter Evans, et al. v. Denis Stephens

Dear Counsel:

For the purposes of the upcoming en banc rehearing in the above-referenced case, the court desires for counsel to focus their briefs on the following issues:

1. **Whether arrestees who are to be detained in the general jail population can constitutionally be subjected to a strip search only if the search is supported by reasonable suspicion that such a search will reveal weapons or contraband; and**
- (2) **Whether the manner in which the searches in this case were conducted violated the clearly-established constitutional rights of plaintiffs so that officer Stephens is not entitled to qualified immunity.**

Appellant's opening brief shall be filed in the Clerk's Office in Atlanta by 5:00 p.m., Wednesday, May 26, 2004. Appellee's opening brief shall be filed in the Clerk's Office in Atlanta by 5:00 p.m., Friday, June 25, 2004. Any reply brief by the Appellants must be filed in the Clerk's Office in Atlanta by 5:00 p.m., Monday, July 12, 2004. NO EXTENSIONS WILL BE GRANTED. An original and 18 copies of the en banc briefs should be filed (appellant's in blue covers, appellees' in red covers and any reply in gray covers). The parties are expected to insure that all other parties receive a copy of their briefs before the close of business on the day of filing (facsimile, e-mail, etc.). NO TIME FOR MAILING SHALL BE ALLOWED. All parties are also required to upload the brief in electronic format to the court's Web site as described in 11th Cir. R. 31-5.

**All counsel** are requested to file 16 copies of their opening panel briefs, record excerpts and supplemental authorities prior to 5:00, Wednesday, May 26, 2004.

The case will be argued before the Court sitting en banc during the week of October 25, 2004, in Atlanta, Georgia. Counsel will be allotted twenty minutes per side for oral argument. Counsel will receive a calendar notifying of the specific date and time of oral arguments at a later date.

Thank you for your attention to this matter.

Sincerely,

THOMAS K. KAHN, Clerk

By:

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Matt Davidson  
Calendar Clerk/Court Sessions Supervisor  
404.335.6131